HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 137 of 2006 (SS)

Umesh Dobhal s/o Sri Devi Prasad Dobhal
R/o Village Bilagarh, Tehsil Joshimath,
District Chamoli ..... Petitioner

Versus

1. State of Uttaranchal
2. Joint Director of Education, Garhwal Region
   Pauri Garhwal
3. Director Education, 2 Subhash Road, Dehradun
4. District Education Officer, District Chamoli
5. Principal, Govt. Higher Secondary School,
   Bajawgarh, Chamoli ..... Respondents

Sri Anil Kumar Joshi, Advocate for the petitioner
Standing counsel for the respondents.

Dated: 15.2.2006

Hon'ble Rajesh Tandon J.

Heard Sri Anil Kumar Joshi, counsel for the petitioner and the Standing counsel for the respondents. Both the parties have agreed that the case be finally disposed of at the admission stage.

By the present writ petition the petitioner has prayed for a writ of mandamus direction the respondents to appoint the petitioner in a suitable post under the provisions of Dying in Harness Rules.

Briefly stated the father of the petitioner was posted as Principal in Government Higher Secondary School, Bajawgarh, District Chamoli who died in harness on 9.4.1990 leaving

behind his widow Smt. Rajeshwari Devi and three daughters and two sons. The petitioner is the eldest son of the deceased. The petitioner has passed Intermediate in the year 2000 and he moved the application for appointment under the provisions of Dying in Harness Rules. The application of the petitioner was forwarded by the respondent no. 4 to respondent no. 2 vide letter dated 22.8.2001. The petitioner has submitted that no action has been taken by the respondents for appointment of the petitioner on companionate ground.

In view of the judgment of the Apex Court in the case of *Pushpa Lata Dixit vs. Madhyamik Shiksha Parishad and others 1991 (18) ALR 509 and Smt. Sushma Gosain and others vs. Union of India and others, AIR 1989 S.C., 1976,* it has been held that the appointment on compassionate ground should not be delayed as after the death of bread-earned, the whole family is starving.

In view of above, the respondents are directed to decide the representation of the petitioner for appointment on companionate ground within three weeks after the receipt of the certified copy of this order.

Subject to the aforesaid observations, the writ petition is disposed of.

Dated: 15.2.2006 **Rajesh Tandon J.**

*Dhyani